

Calendar No. 1542

86TH CONGRESS }
2d Session }

SENATE

{ REPORT
No. 1480

MO TONG LUI

MAY 25, 1960.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2639]

The Committee on the Judiciary, to which was referred the bill (S. 2639) for the relief of Tong Mo Loui, having considered the same, reports favorably thereon with amendments, and recommends that the bill, as amended, do pass.

AMENDMENTS

1. In line 4, change the name "Tong Mo Loui" to read "Mo Tong Lui".

2. In line 5, beginning with the words "the alien", strike the remainder of the bill and insert in lieu thereof, the following:

under 21 years of age: *Provided*, a petition is filed in his behalf under section 205 of the said Act within one year from the date of enactment of this Act.

3. Amend the title of the bill to read:

A bill for the relief of Mo Tong Lui.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to consider the adult beneficiary to be a minor in order that he might be classified as a non-quota immigrant upon the approval of a petition filed by his father. The bill as introduced would have granted nonquota status to Mo

Tong Lui which is the status normally enjoyed by minor alien children of U.S. citizens. The bill has been amended to consider the adult beneficiary to be a minor, thereby permitting his father to file a petition in his behalf in order to establish his eligibility for non-quota status as the son of a U.S. citizen. The bill has also been amended to correct the beneficiary's name.

STATEMENT OF FACTS

The beneficiary of the bill is an unmarried 22-year-old native and citizen of China who resides with his mother and adopted brother in Hong Kong where he attends school. He is supported by his U.S. citizen father who was first admitted to the United States on December 16, 1922, as a merchant's son and presently resides in Los Angeles, Calif., where he is self-employed as a vegetable peddler. The beneficiary left Red China in 1957 and resided in Macao until 1958 when he went to Hong Kong.

A letter, with attached memorandum, dated December 15, 1959, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., December 15, 1959.

A-11955710

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2639) for the relief of Tong Mo Loui, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files. According to the records of this Service the beneficiary's correct name is Mo Tong Lui.

The bill would confer nonquota status upon the 22-year-old son of a citizen of the United States.

As a quota immigrant the beneficiary would be chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE TONG MO LOUI, BENEFICI-
ARY OF S. 2639

Information concerning this case was obtained from Shew Kay Lui, the beneficiary's father.

The beneficiary, a native and citizen of China, was born October 26, 1937. According to the records of this Service, his correct name is Mo Tong Lui. He is single. He com-

pleted elementary and high schools in China and is now a student at Eton English School in Hong Kong, British Crown Colony. He is not employed and has no income or assets. He is supported by funds furnished by his father. He resides with his mother and an adopted brother at 9 Sharp Street, Happy Valley, Hong Kong, British Crown Colony. He has one sister living in China.

The beneficiary has never been in the United States. He lived in China until September 1957 and in Macao from that time until April 1958 when he went to Hong Kong.

Shew Kay Lui was born in China on February 28, 1903. He has resided in the United States since his admission as a merchant's son on December 16, 1922, and became a citizen of the United States by naturalization on April 1, 1955. He visited temporarily in China in 1932, 1937 and 1948. He is self-employed as a vegetable peddler with a net income of about \$1,000 annually. His assets consist of \$6,000 invested in U.S. savings bonds.

Senator Thomas H. Kuchel, the author of the bill, has submitted the following information in connection with the case:

STATE OF CALIFORNIA,
County of Los Angeles, ss:

Homer D. Crotty, being first duly sworn, says:

1. That he is a member of the State bar of California and a senior partner of the law firm of Gibson, Dunn & Crutcher.

2. He has been acquainted for many years with Shew Kay Lui, who lives at 976 San Julian Avenue, Los Angeles, Calif. Affiant has been informed that Shew Kay Lui has a son named Mo Tong Lui of the age of 22, who escaped from Red China into Macao in September of 1957, and that 6 months later he escaped to Hong Kong, where he presently resides.

3. Affiant further is informed that Shew Kay Lui became an American citizen in 1955.

4. From my personal knowledge of Shew Kay Lui I believe that he is thoroughly honest, loyal to the United States, and dependable. He is engaged in the produce business and is able to support his son if the son is admitted to the United States, and his son therefore is not likely to become a public charge.

HOMER D. CROTTY.

Subscribed and sworn to before me this 25th day of March 1960.

[SEAL]

YVONNE BLASS,
*Notary Public in and for the
County and State aforesaid.*

My commission expires October 31, 1960.

AFFIDAVIT

STATE OF CALIFORNIA,
County of Los Angeles, ss:

Robert W. Cheesewright, being first duly sworn, deposes and says:

I am a resident of the city of Pasadena, county of Los Angeles, State of California, my address being 1740 Lombardy Road, Pasadena, Calif.

I am well acquainted with Shew Kay Lui, having known him for some 6 years. Said Shew Kay Lui has been in the vegetable and produce business and has maintained a vegetable and produce distributing route since prior to 1940, and for some time vegetables and produce required for my household have been purchased from him.

I have been advised that he became a naturalized citizen of the United States about April 1, 1955; that he presently lives at 976 San Julian Street, Los Angeles, Calif.

I wish to state that in my opinion Shew Kay Lui is honest, reliable, and law abiding. I have been advised that Mo Tong Lui, the son of Shew Kay Lui, is desirous of entering the United States to be with his father and that he is the subject of Senate bill 2639 directed to this subject. It is expected that if said Mo Tong Lui is admitted to the United States he will continue his education and work on a part-time basis in the United States in order to assist in the financing of his education. I wish to state in this connection that I believe that from my knowledge of Shew Kay Lui that he will be able to realize from the operation of his vegetable and produce route sufficient funds to aid in the support and maintenance of his son, Mo Tong Lui, so that he will not become a public charge.

I wish to state that the statements contained in this affidavit with respect to Shew Kay Lui and to his son, Mo Tong Lui, are based upon information supplied affiant by Shew Kay Lui and from discussions and acquaintance with Shew Kay Lui over the past several years.

ROBERT W. CHEESEWRIGHT.

Subscribed and sworn to before me this 15th day of April 1960.

[SEAL]

F. CHRISTINE SONNENBERG,
Notary Public in and for said County and State.

My commission expires May 5, 1961.

AFFIDAVIT

STATE OF CALIFORNIA,
County of Los Angeles, ss:

Earl C. Adams, being first duly sworn, deposes and says:

I am a member of the law firm of Adams, Duque & Hazel-tine, located in suite 1035 of the Pacific Mutual Building at 523 West Sixth Street, Los Angeles, Calif.

Shew Kay Lui has been in the produce and vegetable business and has maintained a vegetable and produce route since 1932. For some time last past, vegetables and produce required for my home have been purchased from him. He became a naturalized U.S. citizen on April 1, 1955. He presently lives at 976 San Julian Street, Los Angeles, Calif. In my opinion, Shew Kay Lui is honest, reliable, and law abiding.

Shew Kay Lui has three children, to wit:

(1) An adopted son whose name is Mo Chung Lui. He was adopted as a baby shortly after the death of a child born to Shew Kay Lui and his wife. Mo Chung Lui lives in Hong Kong at 9 Sharp Street, east third floor, Happy Valley. He is 28 years of age. He has been in Hong Kong a little over a year. His wife and two children, consisting of a boy and girl, are in Red China. He is endeavoring to get his family out of Red China and into Hong Kong but so far has not been successful.

(2) A daughter, Gan Yem, age 37 years. She lives in Red China at San Wai in the Province of Canton. She is married and her husband's name is Dan Sing Chow. They are trying to get out of Red China and into Hong Kong but so far have been unsuccessful.

(3) Mo Tong Lui, the subject of Senate bill 2639. He has been out of Red China approximately 2 years. He is the natural son of Shew Kay Lui and is now 22 years of age. He lives in Hong Kong at 9 Sharp Street, east third floor, Happy Valley. An earlier effort to obtain Mo Tong Lui's admission to the United States has not been made by Shew Kay Lui because it was not until about September 1957, that Mo Tong Lui was able to get out of Red China into Macao and approximately 6 months later into Hong Kong. Further, it was only recently in discussions with affiant, Shew Kay Lui learned a possibility existed that his son, Mo Tong Lui, might be admitted to the United States.

The wife of Shew Kay Lui, Jung Sue Lan, lives in Hong Kong at 9 Sharp Street, east third floor, Happy Valley. She does not want to come to the United States, it being her desire to be as near as possible to her children and grandchildren, hoping that they may some day get out of Red China and be with her in Hong Kong. In addition, her health is such that she is not able to travel great distances.

Shew Kay Lui does not have any intention of returning to China to be with that portion of his family who live in Hong Kong, for the reason that he is now an American citizen, desires to live here and believes he can be of more assistance to his family by remaining here than would be the case if he returned to Hong Kong or, of course, if he entered Red China. It is not believed that Mo Tong Lui is needed in Hong Kong. His father and mother desire that he obtain an education and to that end he is now attending night school in Hong Kong. Shew Kay Lui substantially aids in the support of his wife and son in Hong Kong.

It is expected that if Mo Tong Lui is admitted to the United States, he will continue with his education and, on a part-time basis, work his way through school. His father will aid in his son's financial support if needed. In this connection, affiant states that he believes, taking into account the mode and manner of living to which Shew Kay Lui is accustomed, he will be able to realize from the operation of his vegetable and produce route sufficient funds to aid in the support and maintenance of Mo Tong Lui.

Affiant declares that he is willing to be a cosponsor of Mo Tong Lui and guarantee that he will not become a public charge and that if Mo Tong Lui be admitted to the United States, affiant will employ him in his home on a part-time basis so that he can go forward with his education. There are others of affiant's acquaintances who know Shew Kay Lui as does the affiant and, in this connection, affiant is informed and believes, and therefore states, that such other persons are anxious and willing to supply letters of character reference with respect to Shew Kay Lui and furnish affidavits to the effect that they will aid in seeing to it that Mo Tong Lui, if admitted to the United States, will not become a public charge.

Affiant states that the statements contained in this affidavit with respect to Shew Kay Lui and his family and, in particular, to Mo Tong Lui, are based upon information supplied affiant by Shew Kay Lui and from an examination made by affiant of documents and papers supplied affiant by Shew Kay Lui.

EARL C. ADAMS.

Subscribed and sworn to before me this 21st day of March 1960.

[SEAL]

BETTY J. VOGEL,

Notary Public in and for said County and State.

My commission expires February 26, 1962.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2639), as amended, should be enacted.

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